

## **EXHIBIT A**

ORIGINAL

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IN RE: : Chapter 11

W.R. GRACE CO., et al., : Case No.

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Debtors : 01-01139(27)

4

November 16, 2001

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Oral deposition of TODD B. HILSEE,  
held at The Four Seasons, One Logan  
Square, Philadelphia, Pennsylvania 19103,  
commencing at 12:10 p.m., on the above  
date, before Linda L. Golkow, a  
Federally-Approved Registered  
Professional Reporter and Certified  
Shorthand Reporter.

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1 have yielded to produce those results.  
2 So, we studied that and concluded that  
3 that would have had a drastic result in  
4 lowering the reach of that target.

5 Q. Did you --

6 A. Subsequently, I would say.  
7 So, anyway, that was where that came  
8 from.

9 Q. Subsequently what?

10 A. Well, subsequently, as I  
11 said, we talked about, was there a need  
12 to focus on men 65 plus. And we  
13 determined, as I've described here, that  
14 that's not an appropriate target, is too  
15 narrow, and we have not -- I'm not  
16 submitting an alternate plan, and I have  
17 not gone and compared or testified to a  
18 comparison of different reach analyses on  
19 different targets. That's not something  
20 that's within the scope of beyond what  
21 I've testified that you just asked me  
22 about. It's not within the scope of what  
23 I'm going to be testifying to on  
24 Wednesday, if I testify.

1 on, but for that men 65 plus target, is  
2 intending to deliver 80 percent.

3 Q. If you go back to Page 18,  
4 you'll see the discussion of the TV.

5 A. So, I'm registering -- what  
6 I'm doing is registering concern against  
7 that men 65 plus target, which I don't  
8 believe is appropriate for the reasons I  
9 mentioned, that that 80 percent that that  
10 96 relies upon may be suspect in the way  
11 that it is actually going to be  
12 implemented at this budget level. And  
13 beyond that, I will tell you that it's  
14 not germane to the conclusions that I'm  
15 going to be testifying to at this time.  
16 I'm not going to be making conclusions at  
17 this time that the reach of the overall  
18 program is somehow inadequate for --  
19 based on simply the quantified numbers  
20 that are here. So, I don't know if that  
21 short circuits or saves you some time,  
22 but it will be in the context of  
23 preparing alternate plans if we get to  
24 that and if that's necessary, and -- but

1 we're not. I'm more concerned with what  
2 is it that 96 --

3 Q. I understand that.

4 A. -- that the estimated 96  
5 percent of people are going to see.

6 Q. In other words, you're  
7 saying that even if this plan will, in  
8 fact, get to 98.6 percent or 96.8  
9 percent, that's not the main problem  
10 here?

11 A. Yes.

12 Q. Let's go back to the main  
13 problem for a minute. You talked about  
14 how you believe that the only way to  
15 solve the problem here is to have  
16 separate notice campaigns and separate  
17 notices for at least four categories,  
18 Libby, Zonolite, property damage and  
19 personal injury; correct?

20 A. I'm going to ask you to  
21 restate it so I'm -- it sound like you  
22 are asking something that was pretty firm  
23 and absolute, and I want to make sure  
24 that I understand.

1 represent some substantial percentage of  
2 Zonolite homes.

3 Q. Do you have any idea?

4 A. Does the debt -- I haven't  
5 seen that anywhere in this proposal  
6 that -- any statistics that suggest. I'm  
7 not presenting an alternate plan at this  
8 time. I've registered why. But in this  
9 plan that is being presented, I don't see  
10 any evidence, other than in Kathy's  
11 recent affidavit, a suggestion that  
12 that's a justification for a combined  
13 campaign. From the standpoint of a media  
14 planning professional, it's not an  
15 appropriate justification for lumping  
16 these entirely different types of people  
17 with entirely different messages.  
18 Somehow it's acceptable to reach them  
19 with one campaign on that basis.

20 Q. Are you saying that people  
21 are incapable of understanding more than  
22 one message that's thrown at them at one  
23 time?

24 A. That's precisely what the

1 had none of those in B&W. Why is that?

2 A. Why didn't we have it in the  
3 B&W plan?

4 Q. Yes.

5 A. Because, again, property  
6 damage claims were not a significant part  
7 of the entirety of the B&W case.

8 Q. So, again, in Grace, if you  
9 are talking property damage claims, then  
10 it may be more appropriate?

11 A. May be. Whether they are  
12 the right ones or not, whether they've  
13 been analyzed correctly, I don't know.  
14 We're working on that, but, again, I'm  
15 not preparing an alternate plan. So, I'm  
16 not submitting one, I should say, in  
17 connection with my testimony. So, I  
18 haven't completed an analysis of those.

19 Q. Now, one of the things you  
20 said in your affidavit in criticizing the  
21 Kinsella plan was that it did not  
22 adequately address Canada. The revised  
23 notification plan solves that problem;  
24 doesn't it?